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Doran R. Pace, Patent Attorney

AMENDMENT UNDER 37 CFR §1.111  
Examining Group 1646  
Patent Application  
Docket No. UF-243X  
Serial No. 09/648,864

*File  
Patent  
only*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Janet L. Andres  
Art Unit : 1646  
Applicants : Howard M. Johnson, Mustafa G. Mujtaba  
Serial No. : 09/648,864  
Filed : August 25, 2000  
Conf. No. : 6790  
For : Materials and Methods for Inhibition of IgE Production

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

AMENDMENT UNDER 37 CFR §1.111

Sir:

In response to the Office Action dated October 9, 2003, please amend the above-identified patent application as follows:

3/06/2004 DWILLIA4 00000001 190065 09648864  
1 FC:2201 43.00 DA  
01/13/2004 SWIRETRI 00000080 190065 09648864  
01 FC:2202 27.00 DA

FEE/VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
19 0065	
CODE	VALUE FURNISHED
2201	43.00

predict that IgE-type allergies would be suppressed by interferon tau. This had to be determined empirically.

In addition, subsequent to the filing of U.S. provisional application No. 60/151,026, to which the subject application claims priority under 35 USC §119(e), Applicants submitted a manuscript disclosing the subject invention to the *Journal of Allergy and Clinical Immunology*, a peer reviewed journal. The manuscript was accepted and published in that journal in November 1999 (Mujtaba, M.G. *et al.*, "IFN- $\tau$  Inhibits IgE Production in a Murine Model of Allergy and in an IgE-Producing Human Myleoma Cell Line" *J Allergy Clin Immunol* 104(5):1037-1044). The published manuscript was cited in an Information Disclosure Statement dated February 20, 2001 in the subject application and a copy of the published manuscript provided therewith. Applicants respectfully assert that the acceptance and publication of their work in the *Journal of Allergy and Clinical Immunology* is evidence as to the novelty and nonobviousness of their discovery and the claimed invention. Peer-reviewed, scientific journals typically do not publish manuscripts detailing research results that are not new or that would be considered "obvious" by the scientific community. Prior to the Applicants' discovery, any suggestion that interferon tau inhibited IgE production or proliferation of IgE-producing cells would have been nothing more than mere speculation. That Applicants' discovery warranted publication in a well known, well respected, peer reviewed journal is clear evidence that the scientific community considered their discovery novel and nonobvious.

In view of the above remarks, reconsideration and withdrawal of the rejections under 35 USC §§102(a) and 102(e) is respectfully requested.

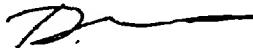
It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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